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Dkt. 58075-Z/JPW/GJG/JR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ridwan Shabsigh
U.S. Serial No.: 10/658,991 Examiner: Robert M. Kelly
Filing Date : September 9, 2003 Group Art Unit: 1633
For : USES OF VASCULAR ENDOTHELIAL GROWTH FACTOR
IN THE TREATMENT OF ERECTILE DYSFUNCTION

30 Rockefeller Plaza, 20th Fl.
New York, New York 10112
June 3, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO MAY 5, 2009 NOTICE OF NON-
COMPLIANT AMENDMENT (37 CFR 1.121)

This Communication is submitted in response to the Notice of Non-Compliant Amendment issued May 5, 2009 in connection with the above-identified application. A response to the May 5, 2009 Notice is due June 5, 2009. Accordingly, this Communication is being timely filed.

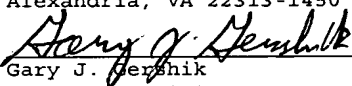
The May 5, 2009 Notice asserts that the Amendment filed April 10, 2009 (actually filed April 6, 2009) is considered non-compliant because each claim has not been provided with the proper status identifier. Specifically, the May 5, 2009 Notice asserts that claim 18 has an incorrect status identifier. A copy of the Notice is attached hereto as **Exhibit A**. In response, applicants attach hereto as **Exhibit B** a corrected listing of the claims. Accordingly, applicant maintains that the Amendment is now compliant.

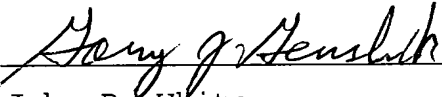
Applicant: Ridwan Shabsigh
Serial No.: 10/658,991
Filed: September 9, 2003
Page 2

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Gary J. Gershik Date
Reg. No. 39,992


John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza, 20th Fl.
New York, New York 10112
(212) 278-0400

0515/58075-2

12/10/03

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COOPER & DUNHAM

Notice of Non-Compliant Amendment

(37 CFR 1.121) MAY 7 8 2009

Application No.
10/658,991Applicant(s)
SHABSIGH, RIDWANArt Unit
1600

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 10 April, 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 18 has wrong status identifier.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

NON-COMPLIANT Amendment DUE 6-5-09
 2nd 7-5-09
 3rd 8-5-09
 4th 9-5-09
 5th 10-5-09
 6th 11-5-09
 Report D.A 5-19-09

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /FLORENCE R. PATTERSON/

Telephone No: (571)272-0544

U.S. Patent and Trademark Office

Part of Paper No. 20090504-2

PTOL-324 (04-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Applicant: Ridwan Shabsigh
 Serial No.: 10/658,991
 Filed: September 8, 2003
 Exhibit A




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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e 05/05/2009

John P. White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

Paper No.

Application No.: 10/658,991 	Date Mailed: 05/05/2009
First Named Inventor: Shabsigh, Ridwan,	Examiner: KELLY, ROBERT M
Attorney Docket No.: 0575/58075-Z/JPW/AJM/HA	Art Unit: 1633
Confirmation No.: 4213	Filing Date: 09/09/2003

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents